

STEVEN M. SCHATZ, State Bar No. 118356  
KATHERINE L. HENDERSON, State Bar No. 242676  
DIANE M. WALTERS, State Bar No. 148136  
MICHAEL PETROCELLI, State Bar No. 269460  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
Facsimile: (650) 493-6811  
Email: sschatz@wsgr.com  
Email: khenderson@wsgr.com  
Email: dwalters@wsgr.com  
Email: mpetrocelli@wsgr.com

Attorneys for Defendants  
SUNPOWER CORPORATION.  
THOMAS H. WERNER, and  
CHARLES D. BOYNTON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENNETH BRISTOW, Individually and On  
Behalf of All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
SUNPOWER CORPORATION, THOMAS H.  
WERNER, and CHARLES D. BOYNTON,  
  
Defendants.

CASE NO.: 3:16-cv-04710-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCES  
AND EXTENDING DEFENDANTS'  
TIME TO RESPOND TO  
COMPLAINTS**

**(Civ. L.R. 3-12)**

JAY PATEL, Individually and On Behalf of All  
Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
SUNPOWER CORPORATION, THOMAS H.  
WERNER, and CHARLES D. BOYNTON,  
  
Defendants.

CASE NO.: 3:16-cv-04915-RS

1 WHEREAS, the complaints in the above-captioned related shareholder class actions set  
2 forth claims under the federal securities laws that are subject to the requirements of the Private  
3 Securities Litigation Reform Act of 1995 (“PSLRA”), including those set forth in 15 U.S.C.  
4 § 78u-4;

5 WHEREAS, the PSLRA requires that, after filing a securities class action, the plaintiff  
6 must give notice of the action to allow other interested shareholders the opportunity to file  
7 motions for appointment as lead plaintiff (*see* 15 U.S.C. § 78u-4(a)(3)) and, thereafter, that the  
8 Court appoint a lead plaintiff;

9 WHEREAS, on October 17, 2016, multiple movants filed competing motions seeking to  
10 be appointed lead plaintiff and to consolidate the *Bristow* and *Patel* actions (Dkt. Nos. 13, 17, 18,  
11 22, 26);

12 WHEREAS, the hearing regarding the lead plaintiff motions is scheduled for December  
13 8, 2016;

14 WHEREAS, pursuant to the August 18, 2016 Order Setting Initial Case Management  
15 Conference in the *Bristow* action, a Case Management Conference was scheduled for November  
16 17, 2016 and subsequently continued to November 18, 2016 pursuant to the Clerk’s Notice  
17 issued November 1, 2016;

18 WHEREAS, prior to reassignment to this Court, a Case Management Conference in the  
19 *Patel* action was set for November 29, 2016;

20 WHEREAS, to avoid unnecessary expenditure of judicial resources or effort by the  
21 parties and the Court, counsel for plaintiffs in the *Bristow* and *Patel* actions and defendants have  
22 agreed (1) that defendants need not respond to the *Bristow* and *Patel* complaints or the complaint  
23 in any action consolidated into this action, other than an amended or consolidated complaint or a  
24 complaint designated as the operative complaint after the appointment of lead plaintiff; and (2) to  
25 continue the Initial Case Management Conferences in the *Bristow* and *Patel* actions and  
26 associated deadlines until after a lead plaintiff has been appointed to represent the alleged class.

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
28 counsel for the undersigned parties, subject to approval of the Court, as follows:

1           1.       Defendants are not required to respond to the *Bristow* and *Patel* complaints or the  
2 complaint in any action consolidated into this action, other than an amended or consolidated  
3 complaint or a complaint designated as the operative complaint after the appointment of lead  
4 plaintiff.

5           2.       The Initial Case Management Conferences (“CMC”) in the *Bristow* and *Patel*  
6 actions, currently scheduled for November 18, 2016, and November 29, 2016, respectively, and  
7 the associated CMC and ADR deadlines in the *Bristow* and *Patel* actions, shall be vacated and  
8 are hereby adjourned to such other date and time as this Court shall order.

1 Dated: November 2, 2016

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

2  
3 By: /s/Steven M. Schatz  
4 Steven M. Schatz

5 650 Page Mill Road  
6 Palo Alto, CA 94304-1050  
7 Telephone: (650) 493-9300  
8 Facsimile: (650) 493-6811  
9 Email: sschatz@wsgr.com

*Attorneys for Defendants*

10 Dated: November 2, 2016

GLANCY PRONGAY & MURRAY LLP

11 By: /s/ Lesley F. Portnoy  
12 Lesley F. Portnoy

13 Lionel Z. Glancy  
14 Robert V. Prongay  
15 Lesley F. Portnoy  
16 Charles H. Linehan  
17 1925 Century Park East, Suite 2100  
18 Los Angeles, CA 90067  
19 Telephone: (310) 201-9150  
20 Facsimile: (310) 201-9160  
21 Email: lportnoy@glancylaw.com

22 LAW OFFICES OF HOWARD G. SMITH  
23 Howard G. Smith  
24 3070 Bristol Pike, Suite 112  
25 Bensalem, PA 19020  
26 Telephone: (215) 638-4847  
27 Facsimile: (215) 638-4867

*Attorneys for Plaintiff Kenneth Bristow*

1 Dated: November 2, 2016

POMERANTZ LLP

2  
3 By: /s/ J. Alexander Hood, II  
J. Alexander Hood II, *admitted pro hac vice*

4 Jeremy A. Lieberman  
5 J. Alexander Hood II  
6 600 Third Avenue, 20th Floor  
7 New York, New York 10016  
Telephone: (212) 661-1100  
Facsimile: (212) 661-8665  
Email: ahood@pomlaw.com

8 POMERANTZ LLP  
9 Jennifer Pafiti  
468 North Camden Drive  
10 Beverly Hills, CA 90210  
Telephone: (818) 532-6499

11 *Attorneys for Plaintiff Jay Patel*  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 11/8/16

  
The Honorable Richard Seebo  
United States District Judge